

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
April 14, 2015

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on April 14, 2015 at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman Atwell, Councilmen Conklin, Day, Hemphill and Rubin.

Absent: Councilman Broderick.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2015 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM MONMOUTH MEDICAL CENTER FOUNDATION REQUESTING THE USE OF VICTORY PARK FOR A FUNDRAISER STANDUP PADDLEBOARD RACE (AN 8-MILE AND 1-MILE RACE ON THE NAVESINK RIVER), "STAND UP 4 KIDS," WITH NO MORE THAN 125 PARTICIPANTS, ON SATURDAY, AUGUST 8, 2015 TO BENEFIT THE UNTERBERG CHILDREN'S HOSPITAL AT MONMOUTH MEDICAL CENTER:

The Municipal Clerk/Administrator advised of a letter to the Mayor dated March 19, 2015 from Tara F. Kelly, Vice President of Development of Monmouth Medical Center Foundation, requesting permission to use Victory Park for their Saturday, August 8, 2015 fundraiser, "Stand Up 4 Kids," to benefit the Unterberg Children's Hospital at Monmouth Medical Center. Ms. Kelly stated in her letter the following details for the 8-mile and 1-mile paddleboard races on the Navesink River:

- Start time 8:00 a.m.
- No more than 125 participants
- Drop off point at Undici Taverna Rustica on West River Road
- Split Second Racing, LLC will handle the timing and event logistics
- The required liability insurance will be provided
- Monmouth Medical will contact the Coast Guard and Marine Police
- Trash and recyclables will be collected by their volunteers and removed at the end the event.

The Municipal Clerk/Administrator stated that it was his understanding that Clean Ocean Action would not be holding their event this year in Rumson, but would hold it in Red Bank, and the "Stand Up 4 Kids" event would take its place.

On motion by Councilman Day, seconded by Councilman Hemphill, this communication was ordered received and permission for the "Stand Up 4 Kids" event on August 8th was granted. All in favor.

LETTER FROM DONALD MANNING RESIGNING HIS POSITION AS RECYCLING SPECIAL POLICE OFFICER EFFECTIVE APRIL 1, 2015:

The Municipal Clerk read the following letter from Donald Manning advising of his resignation as Recycling Special Police Officer:

Mark Wellner and Jamie Mellish:

I regret to inform you that I will have to resign my position as the Borough Recycling Special Police Officer effective April 1, 2015 due to health issues. It is time to turn it over to a younger man.

Thank you for your help over the past 14 years and I wish all the best to you and your staff.

Donald Manning

Councilman Rubin thanked Mr. Manning for his years of service to the Borough and wished him well in the future.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and Mr. Manning's resignation was accepted with regret. All in favor.

LETTER FROM RUMSON P.B.A. REQUESTING PERMISSION TO USE THE MUNICIPAL BOAT FOR THE 9TH ANNUAL P.B.A. CRAB TOURNAMENT ON AUGUST 15, 2015 FROM 6:00 P.M. UNTIL 10:00 P.M., FOLLOWED BY A SHORT AWARDS CEREMONY AND BBQ AT THE RUMSON EMS BUILDING:

The Municipal Clerk/Administrator advised of a letter dated April 8, 2015 to the Mayor and Council from Scott A. Paterson, NJ Ducks Unlimited Council Chairman, requesting permission to use the Municipal Boat Ramp on Saturday, August 15, 2015 for the 9th Annual P.B.A. Crab Tournament from 6:00 p.m. until 10:00 p.m., with a short awards ceremony and BBQ at the Rumson EMS building immediately following the tournament. The event benefits local wetlands conservation projects on the Navesink and Shrewsbury Rivers.

On motion by Councilman Hemphill, seconded by Councilman Day, this communication was ordered received and permission for the P.B.A. Crab Tournament and BBQ on August 15th was granted. All in favor.

LETTER FROM FAIR HAVEN MAYOR BENJAMIN J. LUCARELLI THANKING MAYOR EKDAHL AND THE RUMSON POLICE DEPARTMENT FOR THEIR ASSISTANCE DURING THE SERVICES FOR OFFICER ROBERT HENNE:

The Municipal Clerk/Administrator advised of a letter dated March 31, 2015 from Fair Haven Mayor Benjamin J. Lucarelli thanking the Mayor and Rumson Police Department for their assistance during the services for Officer Robert Henne.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received. All in favor.

CONSENT AGENDA:

LETTER FROM THE ENGLISH GROUP, LLC ADVISING OF AN APPLICATION ON BEHALF OF THOMAS AND JENNIFER MULLINS TO THE STATE OF NJ DEP FOR A WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT FOR CONSTRUCTION OF A BOATLIFT ON PROPERTY LOCATED AT 16 WILSON CIRCLE:

The Municipal Clerk/Administrator advised of a letter dated March 26, 2015 from the English Group, LLC on behalf of Thomas and Jennifer Mullins. The letter advised of an application submitted to the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation for a Waterfront Development Individual Permit for the construction of a boatlift on property located at 16 Wilson Circle.

LETTER FROM THE STATE OF NJ DEP TO SCOTT SCHULTZ AND DANIELLE SHERWOOD APPROVING THE WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT IN-WATER AND WATER QUALITY CERTIFICATE FOR THE REMOVAL OF TWO SECTIONS OF EXISTING STONE WALL AND LEGALIZATION OF THE REMAINING STONE WALL AROUND THE POND AND ISLAND WITHIN THE POND ON PROPERTY LOCATED AT 7 AVENUE OF TWO RIVERS SOUTH:

The Municipal Clerk advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to Scott Schultz and Danielle Sherwood advising of the approval of the Waterfront Development Individual Permit In-water and Water Quality Certificate for the removal of two sections of existing stone wall (approximately 149' in length) and legalization of the remaining stone wall around the pond and island within the pond on property located at 7 Avenue of Two Rivers.

LETTER FROM THE STATE OF NJ DEP TO RUMSON COUNTRY CLUB APPROVING THE WATERFRONT DEVELOPMENT INDIVIDUAL PERMIT AND WATER QUALITY CERTIFICATE FOR THE LEGALIZATION OF THE THREE AS-BUILT PREVIOUSLY APPROVED DOCKS AND ADDITIONAL DOCKING STRUCTURES ON PROPERTY LOCATED AT 163 RUMSON ROAD:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Land Use Regulation to Rumson Country Club advertising of the approval of the Waterfront Development Individual Permit and Water Quality Certificate for the legalization of the three as-built previously approved docks and additional docking structures on property located at 163 Rumson Road.

On motion by Councilman Rubin, seconded by Councilman Day, the three (3) communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE 15-001 G TO AMEND THE GENERAL ORDINANCES CHAPTER XIII, STREETS AND SANITATION. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

15-001 G

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XIII, STREETS AND SANITATION ORDINANCE

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Day, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

BOND ORDINANCE 15-002 TO AMEND A BOND ORDINANCE FINALLY ADOPTED FEBRUARY 26, 2013 FOR VARIOUS IMPROVEMENTS. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

15-002

BOND ORDINANCE AMENDING A BOND ORDINANCE FINALLY
ADOPTED FEBRUARY 26, 2013 BY THE BOROUGH OF RUMSON, IN
THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, IN ORDER
TO PROVIDE FOR CHANGES THEREIN

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

CAPITAL IMPROVEMENT FUND ORDINANCE 15-003. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

15-003

AN ORDINANCE TO APPROPRIATE FUNDS FOR
ACQUISITION AND INSTALLATION OF EQUIPMENT FOR
THE DEPARTMENT OF PUBLIC WORKS
AND THE APPROPRIATION OF THE COST THEREOF.

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Day, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

CAPITAL FUND BALANCE ORDINANCE 15-004. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

15-004

AN ORDINANCE TO APPROPRIATE FUNDS FOR

ACQUISITION OF VEHICLES AND EQUIPMENT FOR
RUMSON EMERGENCY SERVICES AND
THE DEPARTMENT OF PUBLIC WORKS
AND THE APPROPRIATION OF THE COST THEREOF.

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Day, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

NEW BUSINESS:

TEMPORARY EMERGENCY APPROPRIATIONS RESOLUTION 2015-0414-55:

2015-0414-55

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2015 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2015 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Administration – Salary & Wages	\$ 13,410.48
Administration – Other Expenses	\$ 5,000.00
Newsletter – Other Expenses	\$ 1,500.00
Municipal Clerk – Salary & Wages	\$ 12,194.58
Finance – Salary & Wages	\$ 10,228.00
Audit – Other Expenses	\$ 15,000.00
Tax Collections – Salary & Wages	\$ 5,632.82
Tax Collection – Other Expenses	\$ 500.00
Tax Assessment – Salary & Wages	\$ 3,823.64
Legal – Other Expenses	\$ 10,000.00
Engineering – Other Expenses	\$ 5,000.00
Planning Board – Salary & Wages	\$ 1,192.48
Planning Board – Other Expenses	\$ 500.00

Zoning Board – Salary & Wages	\$ 1,192.48
Zoning Officer – Salary & Wages	\$ 3,662.00
Plumbing Inspector – Salary & Wages	\$ 1,647.30
Electrical Inspector – Salary & Wages	\$ 3,050.64
Fire Protection – Salary & Wages	\$ 850.00
Fire Sub-Code Salary & Wages	\$ 467.50
Construction – Salary & Wages	\$ 14,631.38
Police – Salary & Wages	\$129,075.84
Police – Other Expenses	\$ 5,000.00
Police Dispatch – Salary & Wages	\$ 13,719.77
First Aid – Salary & Wages	\$ 431.00
First Aid – Other Expenses	\$ 2,000.00
Fire – Salary & Wages	\$ 813.50
Municipal Prosecutor – Salary & Wages	\$ 400.00
Streets & Roads – Salary & Wages	\$ 74,005.14
Streets & Roads – Other Expenses	\$ 5,000.00
Sewer – Salary & Wages	\$ 12,670.32
Sewer – Other Expenses	\$ 5,000.00
Shade Tree – Other Expenses	\$ 1,500.00
Sanitation – Salary & Wages	\$ 31,867.10
Recycling – Salary & Wages	\$ 6,314.24
Buildings & Grounds – Salary & Wages	\$ 4,042.16
Buildings & Grounds – Other Expenses	\$ 3,000.00
Vehicle Maintenance	\$ 5,000.00
Board of Health – Salary & Wages	\$ 577.14
Board of Health – Other Expenses	\$ 100.00
Animal Control – Salary & Wages	\$ 377.16
Recreation – Salary & Wages	\$ 2,762.50
Municipal Court – Salary & Wages	\$ 6,348.98
Public Defender – Salary & Wages	\$ 215.74
Utility & Bulk Purchases	
Street Lighting	\$ 7,500.00
Fire Hydrants	\$ 9,068.80
Telephone	\$ 1,500.00
Electricity	\$ 12,500.00
Gasoline	\$ 10,000.00
Employee Group Health Insurance	\$110,000.00
Sewer Authority Share of Cost	\$375,000.00
Fair Haven Interlocal – Salary & Wages	\$ 1,923.90

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

RESOLUTION 2015-0414-56 AUTHORIZING RELEASE OF THE PERFORMANCE BOND AND REFUND OF THE ESCROW BALANCE TO RUMSON COUNTRY CLUB:

2015-0414-56

Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, in 1991, Rumson Country Club posted a performance bond in the amount of \$33,099.00 to guarantee the site improvements associated with the Skeet Shooting Range Preliminary and Final Site Plan project; and

WHEREAS, based on a letter of recommendation by the Borough Engineer in a letter dated October 4, 1994 the cash performance bond was reduced to \$9,929.70; and

WHEREAS, the Borough Engineer, in a letter dated January 12, 1996, advised that all bonded site improvements covered by the performance bond had been completed; and

WHEREAS, the Borough Engineer, in a letter dated January 12, 1996, further recommended that the project's cash performance bond in the amount of \$9,929.70 be released subject to posting a two year maintenance bond in the amount of \$4,965.00 which was 15% of the cost of all project improvements; and

WHEREAS, the \$9,929.70 cash performance bond was never released; and

WHEREAS, Rumson Country Club has requested release of the cash performance bond in the amount of \$9,929.70; and

WHEREAS, the Borough Engineer, in a letter dated March 24, 2015, advised that they performed an inspection of the site and found that all site improvements have been satisfactorily completed and that it is in order for the performance bond to be released at this time;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the release of the cash performance bond in the amount of \$9,929.70 plus statutory interest; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Resolution seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Atwell, Day, Hemphill and Rubin.

In the negative: None.

Abstain: Conklin.

Absent: Broderick.

RESOLUTION 2015-0414-57 AUTHORIZING THE CANCELLATION OF STREET OPENING PERMIT 130/2014 AND THE SEWER CONNECTION PERMITS FOR PROPERTY LOCATED AT 42 WARDELL AVENUE DUE TO THE ADDITIONAL SEWER CONNECTION NO LONGER BEING REQUIRED DUE TO THE RE-ENGINEERING OF THE PROJECT AND AUTHORIZING THE REFUND OF THE FEES AND GUARANTEES TOTALING \$8,600.00—\$1,100.00 FOR THE STREET OPENING PERMIT AND \$7,500.00 FOR THE SEWER CONNECTION FEES AND GUARANTEES:

2015-0414-57

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the planned construction for property located at 42 Wardell Avenue was re-engineered and no longer required an additional sewer connection; and

WHEREAS, on November 12, 2014 Maria and Christopher D. Maher paid a New Construction Connection Fee without existing tap in place of \$4,000.00, and posted a Performance Guarantee Prior to Any Approval of \$2,500.00 and a One-year Maintenance Guarantee of \$1,000.00; and

WHEREAS, on November 17, 2014 Maria and Christopher D. Maher obtained Street Opening Permit 130/2104 and paid an Application Fee of \$100 and Cash Bond of \$1,000.00; and

WHEREAS, the construction was never done and it was not necessary to open the street; and

WHEREAS, Christopher D. Maher requested a refund of the fees paid totaling \$8,600.00 in a letter dated March 25, 2015; and

WHEREAS, Ronald Sickler, Rumson Borough DPW Assistant Foreman/Wastewater Management has verified that the project was re-engineered and the proposed construction was never done; and

WHEREAS, Mark Wellner, DPW Superintendent has verified that the street had never been opened at 42 Wardell Avenue; and

WHEREAS, the Chief Financial Officer has approved the request for the refund to Maria and Christopher D. Maher in the amount of \$8,600.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Street Opening Permit 130/2014 be cancelled; and

BE IT FURTHER RESOLVED that Maria and Christopher D. Maher, 42 Wardell Avenue, Rumson, NJ 07760 be issued a refund in the amount of \$8,600.00 for the above stated permit fees paid and guarantees posted; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

MOTION TO SOLICIT SEALED BIDS FOR THE REMOVAL AND REPLACEMENT OF THE BOROUGH'S DIESEL AND GASOLINE FUEL TANKS AT THE DPW FACILITY:

Councilwoman Atwell moved that the Borough Administrator be authorized to solicit sealed bids for the removal and replacement of the Borough's diesel and gasoline fuel tanks at the DPW facility. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

CONSENT AGENDA:

RESOLUTION 2015-0414-59 AUTHORIZING REFUND OF REDEMPTION MONIES TO EBURY FUND 1NJ, LLC FOR TAX SALE CERTIFICATE #14-00003 FOR BLOCK 50, LOT 17 FOR 2013 DELINQUENT SEWER CHARGES:

2015-0414-59

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES
TO EBURY FUND 1NJ, LLC**

WHEREAS, at the Municipal Tax Sale held on December 2, 2014, a lien was sold on Block 50, Lot 17, also known as 92 E. River Rd in Rumson, for 2013 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #14-00003, was sold to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, for a \$1,100.00 premium; and

WHEREAS, on behalf of the property owner, Jean E. Brown, Corelogic has effected redemption of Certificate #14-00003 in the amount of \$812.73;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$1,912.73 payable to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, PO Box 37695, Baltimore, MD 21297-3695 for the redemption of Tax Sale Certificate #14-00003; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

RESOLUTION 2015-0414-60 AUTHORIZING REFUND OF REDEMPTION MONIES TO EBURY FUND 1NJ, LLC FOR TAX SALE CERTIFICATE #14-00005 FOR BLOCK 52, LOT 3 FOR 2013 DELINQUENT SEWER CHARGES:

2015-0414-60

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES
TO EBURY FUND 1NJ, LLC**

WHEREAS, at the Municipal Tax Sale held on December 2, 2014, a lien was sold on Block 52, Lot 3, also known as 6 Center Street in Rumson, for 2013 delinquent sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #14-00005, was sold to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, for a \$1,300.00 premium; and

WHEREAS, on behalf of the property owner, William F. Wardell, Wells Fargo has effected redemption of Certificate #14-00005 in the amount of \$1,050.24.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$2,350.24 payable to Tower Fund Services as Custodian for Ebury Fund 1NJ, LLC, PO Box 37695, Baltimore, MD 21297-3695 for the redemption of Tax Sale Certificate #14-00005; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

RESOLUTION 2015-0414-61 AUTHORIZING REFUND OF REDEMPTION MONIES TO EBURY FUND 1NJ, LLC FOR TAX SALE CERTIFICATE #12-00001 FOR BLOCK 8, LOT 4, UNIT 9A FOR 2011 DELINQUENT PROPERTY TAXES:

2015-0414-61

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES
TO RAINBOW ASSOCIATES, LLC**

WHEREAS, at the Municipal Tax Sale held on December 11, 2012, a lien was sold on Block 8, Lot 4, Qualifier C06A also known as 7 Lafayette St., Unit 9A in Rumson, for 2011 delinquent property taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #12-00001, was sold to RAINBOW ASSOCIATES, LLC, at a \$2,300.00 premium; and

WHEREAS, Charles Farkouh, on behalf of Lafayette Navesink View Homes, LLC, the property owner has effected redemption of Certificate #12-00001 in the amount of \$19,668.69;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$21,968.69 payable to Rainbow Associates, LLC, PO Box 117, Morris Plains, NJ 07950 for the redemption of Tax Sale Certificate #12-00001; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

RESOLUTION 2015-0414-62 AUTHORIZING REFUND OF REDEMPTION MONIES TO EBURY FUND 1NJ, LLC FOR TAX SALE CERTIFICATE #12-00002 FOR BLOCK 52, LOT 3, UNIT 9B FOR 2011 DELINQUENT PROPERTY TAXES:

2015-0414-62

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES

TO RAINBOW ASSOCIATES, LLC

WHEREAS, at the Municipal Tax Sale held on December 11, 2012, a lien was sold on Block 8, Lot 4, Qualifier C06B also known as 7 Lafayette St., Unit 9B in Rumson, for 2011 delinquent property taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #12-00002, was sold to RAINBOW ASSOCIATES, LLC, at a \$2,300.00 premium; and

WHEREAS, Charles Farkouh, on behalf of Lafayette Navesink View Homes, LLC, the property owner has effected redemption of Certificate #12-00002 in the amount of \$21,088.68.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$23,188.68 payable to Rainbow Associates, LLC, PO Box 117, Morris Plains, NJ 07950 for the redemption of Tax Sale Certificate #12-00002; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

Councilman Rubin moved the adoption of the above four (4) Resolutions on the Consent Agenda. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	156.60	NJ Dept Health/Sr Services
\$	156.60	Animal Control Account
\$	999.00	Central Jersey Sealer Supply
\$	26,475.00	Nobel Equipment & Supplies Inc
\$	27,474.00	Capital Account
\$	1,000.00	Affordable Housing Alliance
\$	1,000.00	COAH Trust Fund
\$	975.13	New Jersey American Water
\$	34.81	Acme Locksmith Service
\$	2,673.63	Allied Oil LLC
\$	1,019.40	Americanwear Indust Uniforms
\$	65.00	ANJR
\$	900.50	Asbury Park Press
\$	348.69	Atlantic Tactical of NJ Inc
\$	348.70	Bob's Uniform Shop
\$	126.96	Brennan's Deli
\$	80.00	Butch's Auto Car Wash Inc
\$	576.00	Buy Now Office Supplies
\$	285.00	Central Jersey Sealer Supply
\$	1,535.00	Cross Over Networks
\$	339.00	Custom Tire Associates
\$	1,188.71	Direct Energy Business
\$	205.00	Dynamic Testing Service
\$	4,262.97	Ebury Fund 1NJ LLC
\$	475.62	Emergency Medical Products Inc
\$	86.75	Evident Crime Scene Products
\$	35.22	Fair Haven Hardware Inc

\$	783.60	Fastenal Co
\$	502.97	F & C Automotive Supply Inc
\$	755.58	Fibar Systems
\$	896.50	First Priority Emergency
\$	150.00	Glenco Supply Inc
\$	23.00	Holman Frenia Allison PC
\$	525.00	IACP Net
\$.54	JCP&L
\$	365.20	Johnny on the Spot Inc
\$	5,250.00	Kellco Painting Inc
\$	91.50	Kepwel Natural Spring Water
\$	750.00	Peter Koenig
\$	160.78	Lawes
\$	900.09	Level 3 Communications LLC
\$	25,300.00	Lincoln Nat'l Life Insurance
\$	450.00	McCarter & English LLP
\$	796.06	Merco Marine Inc
\$	80.00	MGL Printing Solutions
\$	977.53	Mid-Atlantic Truck Centre Inc
\$	20,797.45	Treasurer County of Monmouth
\$	1,122.70	County of Monmouth
\$	3,636.91	Morton Salt
\$	99.45	Naylor's Auto Parts
\$	39.99	Neopost USA Inc
\$	9,068.80	New Jersey American Water
\$	1,576.65	NJ Natural Gas Co
\$	75.00	NJ State League of Municipalities
\$	90,094.40	State of NJ Pensions/Active
\$	43,092.58	State of NJ Pensions/Retiree
\$	3,054.00	Nobel Equipment & Supplies Inc
\$	183.90	One Call Concepts
\$	95.84	PEP Express Parts
\$	45,157.37	Rainbow Associates LLC
\$	1,514.17	Republic Services of NJ LLC
\$	1,845.41	Reussille Law Firm LLC
\$	416.20	Thomas S Rogers
\$	63.00	RR Donnelley
\$	2,447.45	Rumson Country Club
\$	699.25	Snap On Industrial
\$	250.00	State Shorthand Reporting Serv
\$	1,042.72	Staples Advantage
\$	202.63	NJ Advance Media
\$	704.20	Stavola Asphalt Co Inc
\$	833.00	Michael B Steib PA
\$	37,399.46	T & M Associates
\$	6,702.54	Treasurer State of NJ
\$	5,416.73	Monmouth County Treasurer
\$	25,502.76	Treasurer State of NJ/727 GSPT
\$	17.36	The Two River Times
\$	199.67	U-Line Inc
\$	105.14	Val's Tavern
\$	147.00	George Wall Lincoln
\$	746.56	Werner Automotive
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\$	358,670.73	Current Fund
\$	965.00	Stephan Hartung Woodworking
\$	400.00	Siciliano Landscape Co LLC
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\$	1,365.00	Endowment Inc Account
\$	63.71	Acme Locksmith Service
\$	1,931.79	All American Mobile Marine
\$	700.00	Jayne Kerry Chandler
\$	61.10	Fair Haven Hardware Inc
\$	550.00	Todd Havard

\$	24.20	Daniel M Mason
\$	44.99	PEP Express Parts
\$	468.34	Port Supply
\$	240.00	George Sellig
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\$	4,084.13	Recreation Account
\$	9,929.70	Rumson Country Club
\$	143.00	Michael B Steib PA
\$	39.25	T & M Associates
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\$	10,111.95	Trust Account
\$	65,027.13	Current Fund Appropriations
\$	293,643.60	Current Fund Appropriations
\$	156.60	Animal Control Fund Expenses
\$	27,474.00	Capital Fund Disbursements
\$	1,365.00	Endowment Disbursements
\$	4,084.13	Recreation Disbursements
\$	11,111.95	Trust Fund – Other Expenses
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\$	402,862.41	Total Of All Funds

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Atwell, Conklin, Day, Hemphill and Rubin.

In the negative: None.

Absent: Broderick.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and the following resident responded:

Richard Jones of 37 Navesink Avenue stated that he wanted to report that he had met with Code Enforcement Officer Fred André, as the Council had suggested, regarding the situation in front of his property. Mr. Jones stated that Mr. André felt there was some confusion during the discussion at the last Council meeting and that he felt that the matter of the drainage coming off Navesink Avenue did fall under the purview of the Council to at least look into the situation.

The Municipal Clerk/Administrator stated that what Mr. André had advised Mr. Jones was that if there was a question of drainage from the property next to his onto his property, he would have to supply proof from a professional to be reviewed—as the Council had advised Mr. Jones at the last Council meeting—keeping in mind that his property was lower than the adjoining property prior to construction on that property. He added that Mr. André had also advised Mr. Jones that any road improvements on Navesink Avenue undertaken for the Capital Improvement Program would be under the Council’s purview. The Municipal Clerk/Administrator advised that there were no plans for such improvements in the near future.

Mr. Jones asked the Council if there were any plans to resolve the drainage issue on Navesink Avenue and noted that this was not a new topic and produced a letter from his attorney bringing it to the attention of the Construction Department dated May 11, 2012. He added that there had been no response to the letter.

Mayor Ekdahl stated that the Borough has not received any engineering professional opinion as to if there was really an issue regarding his claim. The Mayor stated that the elevation of his property and the road, as well as the pitch of the road have not changed since the construction of the house on the property next to Mr. Jones.

Mr. Jones stated that the elevation of the property adjacent to his has added to the amount of stormwater and also intensified the area where the water drains.

Mayor Ekdahl asked whose observation this was.

Councilman Rubin asked Mr. Jones to explain how that added to the stormwater on his property and added that Mr. Jones needed to get a professional opinion from an engineer to substantiate his claim; if the engineer concurs, the Borough will look into it.

Mr. Jones stated that if the Council would stop by the property they would understand the situation a little better.

Councilman Rubin stated that he has been aware of the situation for several years, but it was Mr. Jones' obligation to get a professional opinion.

Mayor Ekdahl stated that Mr. Jones keeps bringing his personal opinion to the Council and they need to hear the findings of a professional.

In answer to a question from Councilman Hemphill, Mr. Jones stated that he had provided that Borough with photos attached to the letter from his lawyer in 2012 and no one from the Borough answered the letter.

The Municipal Clerk/Administrator stated that he did not think that Mr. Jones' claim was correct, but rather that the letter had been forwarded to the Borough Engineers, T & M Associates Inc., who reviewed the grading plan for the construction on the property adjacent to Mr. Jones' property—not for the street stormwater issue. He stated that T & M Associates redid the grading plan review and found that it met all the requirements, as Mr. Jones has been told a number of times.

Councilman Hemphill asked Mr. Jones if he planned to amend the letter, because the grading plan met the requirements and asked if he was now stating that it was a street issue.

The Municipal Clerk/Administrator stated that it was not fair to the Rumson taxpayers for the Borough to hire a land surveyor to survey the front of his property at the taxpayers' expense. He added that water travels downhill, and if his property is lower than the road, water will end up on his property. The Municipal Clerk/Administrator stated that the road hasn't been paved in decades and the elevation hasn't been changed.

Councilman Hemphill stated that if his property is lower than the road, the only answer would be for Mr. Jones to bring his property elevation up at his cost, not the Borough's, to correct the problem that has existed for many years.

The Borough Attorney stated that Mr. Jones would need to get an expert opinion in support of a deficiency and bring it to the Borough. He added that short of that, the Borough was not in a position to do anything.

Mr. Jones thanked the Mayor and Council.

Mayor Ekdahl thanked Mr. Jones for his comments.

Ashley Boyd of Monmouth Medical Center Foundation stated that she was a few minutes late to meeting and just wanted to know if their request for the use of Victory Park for the "Stand Up 4 Kids" fundraiser on August 8th was granted.

The Municipal Clerk/Administrator advised that it was the first item on the agenda and was approved. He added that a letter would be sent tomorrow to Tara Kelly with all the details.

Mayor Ekdahl wished her luck and stated that he expected the event would be a great success.

Ms. Boyd thanked the Mayor and Council.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Hemphill, the meeting adjourned at 7:54 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator